

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

RICARDO WILLIAMS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:21 CV 140 CDP
)	
CITY OF ST. LOUIS, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This Matter is before me on defendants’ motion to stay discovery on plaintiff’s conditions of confinement claim. (ECF 54). The asserted basis for this motion is that plaintiff falls within a certified class of opt-in plaintiffs in a class action relating to the conditions of confinement at MSI while he was held there as a pre-trial detainee in 2018.¹ That class was certified by the Honorable Audrey G. Fleissig in *Cody v. City of St. Louis*, 4: 17 CV 2707 AGF, on May 25, 2022. The City obtained permission to appeal the class certification ruling to the Eighth Circuit Court of Appeals on June 28, 2022. Defendants therefore contend that I should stay all discovery relating to plaintiff’s conditions of confinement claim pending the Eighth Circuit’s ruling in *Cody*.

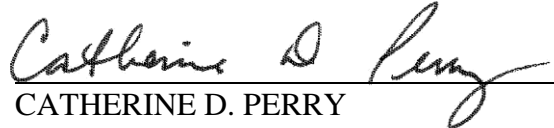
While it is true that plaintiff cannot pursue his individual claim in this case and also be a member of the *Cody* class, defendant ignores the fact that the Court never sent notice of the class action or provided opt-out forms to class members because the parties sought and obtained a stay of proceedings in *Cody*. Judge Fleissig has administratively closed her case pending the Eighth Circuit’s ruling in *Cody*. Given that defendants have filed this motion two days before scheduled mediation, I will require plaintiff to file a memorandum by 9:00 a.m. tomorrow indicating whether

¹ This is the same basis for plaintiff’s conditions of confinement claim in this case.

he intends to opt out of the *Cody* class action and pursue his individual claim, or whether he intends to proceed as a member of the *Cody* class action. The motion to stay will be denied if plaintiff elects to proceed on his individual claims as defendants make no other compelling arguments in favor of granting a stay.

Accordingly,

IT IS HEREBY ORDERED that plaintiff should file a memorandum by 9:00 a.m. tomorrow indicating whether he intends to opt out of the *Cody* class action and pursue his individual claim, or whether he intends to proceed as a member of the *Cody* class action.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 5th day of October, 2022.